

## MEETING #25 - June 26

At a Regular Meeting (#2) of the Madison County Board of Supervisors on June 26, 2018, at 6:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chairman  
Jonathon Weakley, Vice-Chairman  
Kevin McGhee, Member  
Amber Foster, Member  
Jack Hobbs, County Administrator  
Sean Gregg, Interim County Attorney  
Mary Jane Costello, Asst. County Administrator/Finance Director  
Jacqueline S. Frye, Deputy Clerk

ABSENT: Charlotte Hoffman, Member

### Call to Order

### *Pledge of Allegiance & Moment of Silence*

#### 1. Determine Presence of a Quorum/Adopt Agenda

Chairman Jackson advised that all members were present. Supervisor Hoffman will be absent. A quorum was noted.

Chairman Jackson called for the following addition(s):

- **9e Fireworks Permit (Senterfitt Farms)**

Supervisor Foster moved that today's Agenda be approved as amended, seconded by Supervisor Weakley. *Aye: Jackson, Weakley, McGhee, Foster. Absent: Hoffman. Nay: (0).*

#### 2. Public Comment:

#### 3. Constitutional Officers:

Sheriff's Office: Erik Weaver, Sheriff, was present and advised that his department will have a few more expenditures within the next few days - amounts will be less than \$50,000.00. Also reported that the trial is completed and resulted in a 'guilty' conviction.

#### 4. County Departments

Schools: Barry Penn Hollar, School Board, was present and advised that summer school is now in session.

Supervisor Weakley: Advised that requirements (from the recent EPA grant) called for holes to be drilled in the engine block (i.e. EPA Grant requirement) in order for them to be qualified as 'unusable'

#### 5. Committees or Organizations:

## 6. Finance

### a. Claims

\$ 96,320.31

~~\$ 29,732.29~~

**\$126,052.60 Total**

#### Highlights:

- \$21,000.00 (1/3 share of salary for Circuit Court Judge [Greene])
- \$21,000.00 (Building Official vehicle)

#### Items of Concern

- ❖ Electrical usage for DSS Building

The above referenced concern will be discussed with the Facilities Director.

Supervisor Weakley moved that the Board approve Claims in the amount of \$126,052.60 as presented, seconded by Supervisor Foster. *Aye: Jackson, Weakley, McGhee, Foster. Absent: Hoffman. Nay: (0).*

### b. FY18 Budget Items

#### i. Supplemental Budget Appropriation Requests

- ❖ **FY2018 Supplemental Appropriation #39\_06262018 - EMS Budget Variance totaling \$62,639.62:**  
The Finance Director explained that today's request is being sought to appropriate additional funds to EMS to cover budget variances in EMS staff compensation. In closing, it was noted that during several emergency situations, some EMS staff were called away to provide emergency medical assistance (i.e. hurricanes).

Supervisor Foster moved that the Board approve FY2018 Supplemental Appropriation #39\_06262018 totaling \$62,639.62 as presented, seconded by Supervisor McGhee.

#### Discussion:

- *Supervisor Weakley: Questioned if the proposed funding amount will decrease*

The Finance Director advised that the County allocated additional funding within the FY19 budget (for EMS) to cover part-time overtime for the department. However, it was suggested that Lewis Jenkins, Director of Emergency Medical Services be consulted with regard to today's concerns, and that there were some EMS personnel that were called away (National Guard) to provide assistance with natural disasters (hurricane in Puerto Rico and Texas) - during their absence, other EMS staff had to make up the hours (part-time/overtime).

*Aye: Jackson, Weakley, McGhee, Foster. Absent: Hoffman. Nay: (0)*

- ❖ **FY2018 Supplemental Appropriation #40\_06262018 - Budget Overage In Court Security totaling \$15,799.66:** The Finance Director advised that additional funding is needed to cover court security.

Funding remains within the Sheriff Department's vehicle line item, which will be used to cover today's shortfall.

**ii. Reassignment of Fund Balance:** The Finance Director referred to the County's adopted financial policy as it relates to unassigned fund balance (i.e. Capital Improvement Plan & CSA Reserves). A handout was provided that highlighted on the policy language, and that the County anticipates allocating \$3,000,000.00 (from the fund balance) and \$481,065 for CSA Reserves. Today is the last opportunity the Board will have to act on the aforementioned recommendations before the end of the fiscal year in order to fund items that have already been approved. In closing, it was noted that any funding assignments are reversible.

#### Comments

- *Supervisor Weakley: Questioned where the funds will be reassigned; action will be taken tonight on the FY19 budget*

The County Administrator referred to funding that the County has placed aside; today's funds will be earmarked in the County's fund balance (for CIP and/or CSA) so the County wouldn't need to have such a high contingency balance.

The Finance Director further advised that the document provided is the County's balance sheet and indicates that the County intends to reserve the aforementioned funds to pay for certain things that are already noted in the FY19 budget.

Supervisor McGhee moved that the Board approve the reassigned fund balance amount of:

- ❖ \$3,000,000.00 (County CIP Plan)
- ❖ \$481,065.00 (CSA Reserve)

As presented, seconded by Supervisor Foster. *Aye: Jackson, Weakley, McGhee, Foster. Absent: Hoffman. Nay: (0).*

**iii. Approve the use of FY18 encumbrances (with amounts TBD later):** The Finance Director advised that the numbers for FY18 encumbrances are an estimate (of \$170,977.04). However, if these amounts aren't approved prior to the end of FY2018, action can't be done afterwards. In closing, she recommended that the Board approve today's request, and assess at a later time if the amounts need to be adjusted (i.e. some amounts may actually be less than presented).

Supervisor Weakley moved that the Board approve estimated FY2018 year-end encumbrances as presented, seconded by Supervisor Foster. *Aye: Jackson, Weakley, McGhee, Foster. Absent: Hoffman. Nay: (0).*

#### **c. FY19 Budget Items**

##### **i. Discussion on School Budget:**

##### **ii. Supplemental Budget Appropriation**

##### **iii. FY19 Operating Budget Appropriation**

The County Administrator advised that the State has imposed a funding cut of \$275,000.00 from the local school system. The school board has already approved their budget, but has requested the County to fund the shortfall amount in order for them to move into the next fiscal year. In closing, he noted that the proposed increase from the County to school operations will be \$495,000.00 (between the current fiscal year and next fiscal year). All funding is focused on revenue, and there have been no discussions as to where more efficiency can be attained. The Board could approve \$275,000.00 (i.e. six-month or semi-annual allocation), but this may become a benchmark for next year's budget, which can't be attained each year.

Comments:

- *Chairman Jackson: Noted that today's proposal will allow the County some time to assess the school's year-end funding amount; feels that a semi-annual allocation would be best*
- *Supervisor Weakley: Questioned the initial amount(s) that will need to be approved, and also called for clarification on Resolution #2018-5 (semi-annual appropriation to the school system), with the certainty that the language is consistent with the County's prior approval of categorical appropriations (to the school system)*

Supervisor Weakley moved that the Board approve Resolution #2018-5, seconded by Supervisor Foster. *Aye: Jackson, Weakley, McGhee, Foster. Absent: Hoffman. Nay: (0).*

**iv. FY19 Capital Budget Appropriation:** The County Administrator advised that the technique will call for capital funding to be separate from operating funding. The capital program proposal calls for the County to approve:

- \$87,000.00 (school bus purchase)

And for the County to hold off on approving other capital improvement items that the school system would currently like to pursue, and the proposed radio system.

Supervisor Foster moved that the Board approve Resolution #2018-6, seconded by Supervisor McGhee. *Aye: Jackson, Weakley, McGhee, Foster. Absent: Hoffman. Nay: (0)*

**v. Preapproval of Certain July 2018 Disbursements:** The Finance Director provided a list of requests for pre-authorization for FY19 amounts due on 7/1/18 in the amount of \$451,256.72. In closing, it was noted that more accurate numbers will be provided, but it's felt that some of the figures may decrease rather than increase.

Supervisor McGhee moved that the Board grant approval of FY19 pre-authorization for amounts totaling \$451,245.72 due 7/1/18, seconded by Supervisor Foster. *Aye: Jackson, Weakley, McGhee, Foster. Absent: Hoffman. Nay: (0).*

The Finance Director clarified that the language is the same as what was approved during the last fiscal year. The only change today is:

- ✚ The language that expresses the intent of a semi-annual appropriation to the school system
- ✚ Reference to the Code of Virginia regarding the fact that the proposal is permissible
- ✚ Reference to the categorical appropriation is noted in the body of the Resolution as it pertains to the funding numbers being approved

## 7. Minutes:

### *a. June 12'2018 (Meeting #24)*

Chairman Jackson called for corrections, additions or approval of the minutes.

Supervisor Foster moved that the Board approve June 12, 2018 (#24) as presented, seconded by Supervisor McGhee. *Aye: Jackson, Weakley, McGhee, Foster. Absent: Hoffman. Nay: (0).*

## 8. Old Business:

**a. Appointments to the Industrial Development Authority:** The County Administrator advised that upon contacting Paul Utz and Stephen Hill (whose terms have expired), both individuals have advised that they'd like to be reappointed to the IDA Board. The Board was encouraged to reappoint both individuals as presented.

Supervisor Weakley moved that the Board reappoint Paul D. Utz and Stephen Hill to the Madison County Industrial Development Authority Board, with terms that will expire on April 11, 2022, seconded by Supervisor Foster. *Aye: Jackson, Weakley, McGhee, Foster. Absent: Hoffman. Nay: (0).*

**b. Discussion on County Attorney Replacement:** The County Administrator advised that a draft document is being presented to the Board for review and advisement, with a suggestion of an advertising plan and timetable. The Board was also advised that County Attorney Shackelford will be consulted for input. Any changes provided by the Board will be incorporated and presented for further review at the next meeting session. In closing, it was noted that the Board has advised to seek out a local attorney and not pursue the Commonwealth Attorney as a prospect to fill the position.

After discussion, it was the consensus of the Board to review today's document and provide input for discussion at the next meeting session.

- *Supervisor Weakley: Advised the public that the County Attorney Shackelford will be retiring; a successor will need to be attained to fill the upcoming vacancy*

## 9. Old Business:

**a. 2018 VACo Annual Conference:** The County Administrator advised that room reservations will be needed for any Board members that would like to attend the 2018 annual session. Board members are encouraged to advise of any plans to attend and advise.

**b. George Washington Carver Funding Proposal:** The County Administrator advised that a letter has been received from the GWC Alumni to advise of a preopening ceremony scheduled for October 13th at the facility. County officials are encouraged to attend. The letter also provided a request for County funding support.

### Comments:

- *Chairman Jackson: Advised that (in his opinion) the letter contains unanswered questions; advised of the intent to establish a museum at the site and whether there will be an educational component involved; also questioned if a representative is planning to come before the County to provide a presentation*

The County Administrator advised that the request is being made outside of the County's usual funding cycle, and that outside agencies are usually invited to participate in budgetary sessions

- *Supervisor Weakley: Noted that Culpeper County is the sole owner of the GWC property; also referred to the letter noted that Madison County will be included in the museum should funding be provided, which may have some value for the County; noted there were some honorary graduates from GWC in the past*

Interim County Attorney Gregg advised that the facility does have a welding school and lathe shop (in conjunction with New Pathways, LLC) in place. A tremendous amount of private investment has been provided (over \$2,000,000.00) in an attempt to revive vocational training at the facility. In closing, he also noted that there are other groups that currently utilize some of the space at the facility, and that the property is owned by Culpeper County in conjunction with Germanna Community College partnering some of the endeavors in place at the facility.

- *Supervisor McGhee: Questioned if the request for funding will call for a continued commitment from the County*

After discussion, it was the consensus of the Board to request that a GWC representative be contacted and invited to provide a presentation to the Board.

**c. Fireworks Permit (Rapidan Baptist Camp):** The County Administrator advised that it's his understanding that is' the County's practice to require folks to notify the Board of their intent to hold a fireworks' display. There are currently no other regulations in place besides notification of the request.

- *Supervisor Weakley: Noted that the County does require that all displays end by 11:30 p.m. (as noted on the permit)*

The Deputy Clerk advised that all approved fireworks' permits are sent to law enforcement, EMS and the E911 Center for their information.

Supervisor Foster moved that the Board approve the fireworks' permit request from Rapidan Baptist Camp, seconded by Supervisor McGhee. *Aye: Jackson, Weakley, McGhee, Foster. Absent: Hoffman. Nay: (0).*

**d. Declaration of Emergency Ratification:** Chairman Jackson thanked emergency services and law enforcement personnel for working together during the recent local emergency. Pictures were displayed of various areas in the County that were affected by the recent flooding (Quaker Run, Woodberry Forest School, etc.)

- *Supervisor Weakley: Accolades provided to emergency services and law enforcement personnel for their dedication during the recent heavy flooding activity the County sustained*

Brian Gordon, Director of Emergency Communications, was present and advised that the recent flooding affected a propane tank housed at the Woodberry Forest School, which could've resulted in a severe incident. It was also reported that most roads are now passable.

The County Administrator suggested the Board pass the declaration as presented; also provided accolades to County personnel that provided emergency assistance.

Supervisor McGhee moved that the Board approve the Declaration of Emergency Ratification as presented, seconded by Supervisor Foster. *Aye: Jackson, Weakley, McGhee, Foster. Absent: Hoffman. Nay: (0).*

**e. Fireworks Permit (Senterfitt Farms):** The County Administrator advised that the fireworks' permit from Senterfitt Farms, Inc. follows the same guidelines.

Supervisor Weakley noted that the same guidelines are followed for all fireworks' permit requests.

Supervisor McGhee moved that the Board approve the fireworks' permit request from Senterfitt Farms, Inc., seconded by Supervisor Foster. *Aye: Weakley, McGhee, Foster. Absent: Hoffman. Nay: (0).* \*Chairman Jackson recused himself\*

#### 10. Public Comment

Chairman Jackson opened the floor for public comment.

- Clint Hyde: Comments pertained to the recent smart scale road proposal presented by VDOT (i.e. roundabout at Pratts intersection); doesn't feel that what's being proposed is justified, and will cause encroachment on other property in the nearby radius, without accomplishing anything significant

#### Leather's Lane

- Jackie Sue Graves: Representing (14) owners (at Syria Mountain Estates), whose desire is to preserve the community and the existing gravel road that's in place; advised of a 'no trespassing' order has been processed (against the Lain's), and that pesticide was sprayed on her property and other adjoining properties; also verbalized concerns that Mr. Lain has misrepresented all of the citizens in the subdivision; noted that the resident aren't asking the County to 'fix' the County-owned road, but would like some resolution to this ongoing concern; questioned who has the right to do anything to the existing roadway, and whether anyone is allowed to spray or cut trees along the roadway (a contractor has been asked about cutting trees)
- Darryl Whidby: Provided documents for review/advisement to show actions that have been undertaken on some of the properties located on Leathers Lane (i.e. cutting limbs, trees, spraying pesticide on shrubs/plants); advised of ongoing maintenance that he has performed on the gravel road

Chairman Jackson: Suggested that all documentation be provided to the County Administrator for disbursement to the Board, and reviewed by the Interim County Attorney; advised concerns that the road in question is owned by the County; concerned about whether the County should allow citizens to perform work on County owned property

The Interim County Attorney advised that the County owns 'the dirt', and that today's issue may be headed toward litigation. Suggested today's concerns be more appropriately addressed in closed session. Also noted that discussions have focused on the fact that these issues would be discussed at the August 1st session, and that the County would accept information from all parties involved with this matter. Additionally, he encouraged that consideration be made to the fact that although all property owners have property rights, but are also 'neighbors'. In closing, he suggested that no additional action(s) be taken until the County has had an opportunity to discuss today's concerns and determine exactly how it wishes to proceed.

- Maria Lain: Acknowledged all the work that Mr. Whidby has done (and continues to do) on the existing road; feels he hasn't been appropriately compensated; reference was also made on the VA Department of Fire Wise Program; noted that no trees have been cut from private property (as alleged); agrees on the historical nature of the single lane, gravel road) feels that (in her opinion) engineering problems do exist; feels there is a way to arrive at a resolution to the problem and shape the road; asked the BOS for advice
- John Lain: Referred to the Department of Fire Wise Programs offer to remove anything that was deemed a fire hazard; the existing road was recorded in 1971 as being the property of the County; feels there is no understanding between Mr.



Whidby and the community to allow him to do the road work that he has been doing; concrete blocks were removed (due to being a safety hazard)

- *Chairman Jackson: Verbalized concerns that neighbors can't be decent to one another and get along; noted that the County is a wonderful place to live; noted that further discussions will be held on August 1st.*
- *Supervisor Weakley: Verbalized concerns about any activity (i.e. spraying pesticides); feels that being neighborly is the best solution; concerned about any work being done until a discussion on August 1st.*

The Interim County Attorney advised that the County has the right to request that all work (at Leathers Lane) be halted until August 1st, and that any additional details be discussed in a closed session.

With no further comment(s) being brought forth, the public comment opportunity was closed.

After discussion, it was the consensus of the Board to enter into a closed session this evening.

#### **11. Closed Session** [(2.2-3711(A)(7))]

**a. Closed Session:** On motion of Supervisor Weakley, seconded by Supervisor Hoffman, the Board convened in a closed session pursuant to Virginia Code Section 2.2-3711(A)(7), consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, specifically regarding Leathers Lane (Syria Mountain Estates), seconded by Supervisor McGhee.

*Aye: Jackson, Weakley, McGhee, Foster. Absent: Hoffman. Nay: (0).*

#### **b. Motion to Reconvene in Open Session:**

On motion of Supervisor Weakley, seconded by Supervisor McGhee, the Board reconvened in open session, with the following vote recorded: *Aye: Jackson, Weakley, McGhee, Foster. Absent: Hoffman. Nay: (0).*

#### **c. Motion to Certify Compliance:**

On motion of Supervisor Weakley, seconded by Supervisor McGhee, the Board certified by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code 2.2-3711(A)(7) and only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, with the following vote recorded: *Aye: Jackson, Weakley, McGhee, Foster. Absent: Hoffman. Nay: (0).*

#### **As a result of closed session:**

Chairman Jackson advised that there will be no official action taken by the Board; however, the Board is receptive to receiving input from the current property owners. The Board also hopes that tree trimming on County property would be suspended until an understanding can be attained. Additionally, it's anticipated that Mr. Whidby will cease from any grading on the existing road.



In response to Ms. Lain's offer to meet with the Board members, it was suggested that all documentation/information be provided to the County Administrator to then relayed onto the Board members for review/advisement.

**12. Information/Correspondence**

**Rappahannock River Basin**

The County Administrator advised that there have been no applicants to come forth for the Rappahannock River Basin; encouraged anyone willing to serve to apply.

**Madison County Planning Commission**

The County Administrator advised that the Planning Commission is planning to have a public hearing at the August 1st meeting; questioned if the Board was in agreement with the meeting being advertised as a "Joint Public Hearing."

After discussion, it was the consensus of the Board to move forward with advertising the August 1st session as a "Joint Public Hearing."

**Advertisement for Joint Public Hearing**

The Interim County Attorney advised that a draft advertisement has been done for the Joint Public Hearing and will be forwarded for the Board's review.

**12. Adjourn or continue**

With no further action being required, on motion of Supervisor McGhee, seconded by Supervisor Weakley, Chairman Jackson adjourned the meeting.

---

R. Clay Jackson, Chairman  
Madison County Board of Supervisors

---

Clerk of the Board of the Madison County Board of Supervisors  
Adopted on: July 10, 2018  
Copies: Board of Supervisors, County Attorney & Constitutional Officers

\*\*\*\*\*



**Agenda  
Regular Meeting  
Madison County Board of Supervisors  
Tuesday, June 26, 2018 at 6:00 p.m.  
County Administration Building, Auditorium  
414 N Main Street, Madison, Virginia 22727**

***Call to Order***

***Pledge of Allegiance & Moment of Silence***

- 1. Determine Presence of a Quorum / Adopt agenda**
  - 2. Public Comment**
  - 3. Constitutional Officers**
  - 4. County Departments**
  - 5. Committees or Organizations**
  - 6. Finance: Finance Director Costello**
    - a. Claims*
    - b. FY18 Budget Items*
      - i. Supplemental Budget Appropriation Requests*
      - ii. Reassignment of Fund Balances*
      - iii. Approve the use of FY18 encumbrances (with amounts to be determined later)*
    - c. FY19 Budget Items*
      - i. Discussion on School Budget*
      - ii. Supplemental Budget Appropriations*
      - iii. FY19 Operating Budget Appropriation*
      - iv. FY19 Capital Budget Appropriation*
      - v. Preapproval of Certain July 2018 Disbursements*
  - 7. Minutes**
    - a. June 12, 2018 meeting*
  - 8. Old Business**
    - a. Appointments to the Industrial Development Authority: County Administrator Hobbs*
    - b. Discussion on County Attorney Replacement: County Administrator Hobbs*
  - 9. New Business**
    - a. 2018 VACo Annual Conference: County Administrator Hobbs*
    - b. George Washington Carver Funding Proposal: County Administrator Hobbs*
    - c. Fireworks Permit (Rapidan Baptist Camp: County Administrator Hobbs*
    - d. Declaration of Emergency Ratification: Chairman Jackson*
    - e. Fireworks Permit (Senterfitt Farms): County Administrator Hobbs*
  - 10. Public Comment**
  - 11. Closed Session [(2.2-3711(A)(7) Consultation with Legal Counsel]**
  - 12. Information/Correspondence**
  - 13. Adjourn or Continue**
- AMENDMENTS/ADDITIONS DENOTED IN ROYAL BLUE WITH YELLOW HIGHLIGHT**